

**Approval**

## RESOLUTION NO. A-\_\_\_\_\_

1 WHEREAS, The Tool House has submitted an application for a permit to use the  
2 north 10 feet of the public right-of-way on property generally located at 800 Q Street for display  
3 purposes; and

4 WHEREAS, said applicant has submitted a letter of application and a site plan which  
5 are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this  
6 resolution by reference, to use the public right-of-way as above described; and

7 WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54  
8 of the Lincoln Municipal Code pertaining to such use.

9 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,  
10 Nebraska:

11 That the application aforesaid of The Tool House to use the north 10 feet of the  
12 public right-of-way at 800 Q Street for display of products for sale only, be granted as a privilege  
13 only by virtue of and subject to strict compliance with the site plan, the letter of application, and the  
14 following terms and conditions:

15 1. That the permission herein granted is granted as a privilege only, and is  
16 subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including  
17 those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of  
18 a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any  
19 one occurrence, and the payment of the annual fee for the use of the surface of the public right-of-  
20 way fixed at ten percent of the square foot value of the lot directly abutting such use multiplied by  
21 the square footage of the use of the space.

22 2. That said use shall be in full accordance with the aforesaid application, the  
23 revised site plan approved by the Director of Public Works & Utilities, and with all applicable City  
24 ordinances and regulations.

1                   3.       The permission granted under this resolution shall not extend to the following  
2 time period: Beginning at 1:00 a.m. the day of any University of Nebraska football game and  
3 continuing through 6:30 a.m. the following day, and beginning at 1:00 a.m. the day of any special  
4 event in the Haymarket Area as determined by the Public Works & Utilities Director and continuing  
5 through 6:30 a.m. the day after such special event terminates. In such case the applicant shall  
6 remove all items, objects or displays from the area of the application and return the space to its  
7 original condition.

8                   4.       That the applicant, its heirs, successors or assigns shall save and keep the  
9 City free and harmless from any and all loss or damages or claims for damages arising from or out  
10 of the use of the public way requested herein.

11                  5.       That all work done under the authority of this resolution shall be subject to  
12 the inspection and approval of the Director of Public Works and Utilities of the City of Lincoln.

13                  6.       That the use of the public way herein granted and the terms and conditions  
14 of this resolution shall be binding and obligatory upon the above-named applicant, and its heirs,  
15 successors and assigns.

16                  7.       That within thirty (30) days from the adoption of this resolution, and before  
17 commencing any construction under the provisions hereof, the above-named applicant shall file an  
18 unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk.  
19 Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder  
20 granted shall thereupon automatically terminate.

Introduced by:

\_\_\_\_\_

Approved as to Form and Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2005:

\_\_\_\_\_  
Mayor